

E-File: 04/20/2011

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

IN RE:

RONALD CRIBBET
CHERYL CRIBBET

Debtor(s).

Chapter 13
BKS-10-27709-MKN

MOTION TO DISMISS

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Hearing Date: June 16, 2011

Hearing Time: 2:00 pm

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for her motion states and alleges as follows:

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on September 17, 2010.

2. Chapter 13 Plan was confirmed by the Court on 12/16/2010.

3. Balance on hand at the time of filing this motion is \$0.00.

4. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 (c) for one or more of the following reasons, to wit:

(c) For cause,

(c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:

- Failure to make plan payments

The last payment by the debtor(s) was made on 02/01/2011 and the debtor(s) is \$3,721.00 in default under the terms of the current plan. Accordingly, Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**

- A. cure(s) the default **AND** remain(s) current with all future payments coming due, **OR**
- B. file a Modified Plan.

- Failure to turn over tax refunds (year): For 2010 in the amount of \$735.

- Other: As the debtor has not commenced payment per the modified plan, the plan is not feasible.

WHEREFORE, the Trustee prays the Court issue an order dismissing the within case for the reasons as stated above and that expenses in the amount of \$0.00 be allowed in this case.

/s/ KATHLEEN A LEAVITT

Kathleen A. Leavitt
CHAPTER 13 BANKRUPTCY

DATED: 4/20/2011

JC